

UNITED STATES OF AMERICA,

Plaintiff,

JOSE A. GARCIA-VERDUGO,

Defendant.

STIPULATION TO CONTINUE
TRIAL DATE
(First Request)

This Stipulation is entered into for the following reasons:

1. There is a proposed resolution received very recently that needs to be discussed with Defendant.
2. Denial of this request for continuance would deny Defense Counsel sufficient time, on the date currently set for trial, taking into account the exercise of due diligence.

3. Furthermore, denial of this request for continuance could result in a miscarriage of justice.
4. Defendant is currently out of custody and is not opposed to the continuance.
5. This is the first request for a continuance.

The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and 3161(h)(7)(B)(iv).

DATED this 19th of October 2021.

/s/ Rachel Kent
RACHEL KENT, ESQ.
Assistant United States Attorney

s/Kelsey Bernstein
KELSEY BERNSTEIN, ESQ.
Nevada Bar No. 13825
Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

JOSE A. GARCIA-VERDUGO,
Defendant.

CASE NO: 2:21-mj-00582-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

The Court having considered the Stipulation between the Plaintiff, United States of America, by and through RACHEL KENT, Esq., United States Attorney and Defendant, Damian R. Sheets, Esq., counsel for Defendant, JOSE A. GARCIA-VERDUGO, and makes the following findings of fact and conclusions of law and enters the following order:

FINDINGS OF FACT

Counsel for the Government was advised by Damian R. Sheets, Esq., counsel for Defendant, JOSE A. GARCIA-VERDUGO, that Defense Counsel needs further time to discuss a potential resolution to the case.

1. Defense Counsel will not have sufficient and adequate time to effectively and thoroughly discuss potential resolutions and negotiations in the above-captioned matter on the date currently set for trial.
2. Denial of this request for continuance would deny Defense Counsel sufficient time, on the date currently set for trial, taking into account the exercise of due diligence.
3. Furthermore, denial of this request for continuance could result in a miscarriage of justice.
4. Defendant is currently out of custody and is not opposed to the continuance.
5. This is the first request for a continuance.

1 The additional time requested by this Stipulation is excludable in computing the time
2 within which the trial herein must commence, pursuant to the Speedy Trial Act, Title 18, United
3 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
4 Sections 3161 (h)(7)(B)(i) and 3161(h)(7)(B)(iv).
5

6
7 For all of the above stated reasons, the ends of justice would best be served by a
8 continuance of the trial date herein.

9 **CONCLUSIONS OF LAW**

10 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
11 States Code, Section 3161(h) and Title 18, United States Code, Section 3161(h)(7)(A), when
12 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
13 3161(h)(7)(B)(iv).
14

15 The ends of justice served by granting said continuance outweigh the best interest of the
16 public and defendant in a speedy trial, since the failure to grant said continuance would be likely
17 to result in a miscarriage of justice, would deny defense counsels sufficient time within which to
18 be able to effectively and thoroughly research and prepare for trial and to submit for filing any
19 appropriate motions, taking into account the exercise of due diligence.
20

21 **ORDER**

22 Based on the pending Stipulation of the parties and good cause appearing therefore,

23 **IT IS THEREFORE ORDERED** that the trial in this matter currently scheduled be
24 vacated and continued to February 2, 2022 at the hour of 9:00 a.m., in Courtroom 3D.

25 **IT IS FURTHER ORDERED** that the parties herein shall have to and
26 including March 4, 2022, by the hour of 5:00 p.m., within which to file any and all pretrial
27 motions and notices of defense.
28

IT IS FURTHER ORDERED that the parties shall have to and including
March 18, 2022, by the hour of 5:00 p.m., within which to file any and all responsive
pleadings; and


United States Magistrate Judge